

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)

MUR 5346

Committee to Re-elect Vito Fossella)
and Anthony J. Maltese, Treasurer)

RECEIVED
FEDERAL ELECTION
COMMISSION
OFFICE OF GENERAL
COUNSEL

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CONCILIATION AGREEMENT

Matter Under Review ("MUR") 5346 was initiated by the Federal Election Commission ("Commission") pursuant to information ascertained in the normal course of carrying out its supervisory responsibilities. The Commission found reason to believe that the Committee to Re-elect Vito Fossella and Anthony J. Maltese, as Treasurer, ("Respondents") violated 2 U.S.C. § 441a(f) and 11 C.F.R. § 110.9(a).

NOW, THEREFORE, the Commission and the Respondents, having participated in informal methods of conciliation prior to a finding of probable cause to believe that one or more violations occurred, do hereby agree as follows:

I. The Commission has jurisdiction over the Respondents and the subject matter of this proceeding, and this agreement has the effect of an agreement entered into pursuant to 2 U.S.C. § 437g(a)(4)(A)(i).

II. Respondents have had a reasonable opportunity to demonstrate that no action should be taken in this matter.

III. Respondents enter voluntarily into this agreement with the Commission.

IV. The pertinent facts in this matter are as follows:

1. Committee to Re-elect Vito Fossella ("Committee") is a principal campaign committee within the meaning of 2 U.S.C. § 431(5) and has registered

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with the Commission as a principal campaign committee pursuant to

11 C.F.R. § 102.1(a).

2. Anthony J. Maltese is currently the treasurer of the Committee.

3. The Federal Election Campaign Act of 1971, as amended, (the "Act") provides that no person shall make contributions to any candidate and his authorized political committees with respect to any election for Federal office which, in the aggregate, exceed \$1,000. 2 U.S.C. § 441a(a)(1)(A);

11 C.F.R. § 110.1(b)(1).

4. The Act provides that no political committee shall knowingly accept any contribution in violation of the contributions limitations in the Act. 2 U.S.C. § 441a(f); 11 C.F.R. § 110.9(a).

5. Contributions that appear excessive may be reattributed to another contributor or redesignated for another election if, within 60 days after receipt of the contribution, the recipient committee obtains the documentation required under 11 C.F.R. § 110.1(b)(5)(ii) and/or 11 C.F.R. § 110.1(k)(3)(ii).

6. Respondents violated 2 U.S.C. § 441a(f) and 11 C.F.R. § 110.9(a) by accepting 25 contributions totaling \$14,500 in excess of the contribution limitations set forth in the Act for the 2000 primary election and the 2000 general election in that the Committee does not have the documentation required to support the reattribution and/or redesignation of these contributions pursuant to applicable regulations.

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V. Respondents shall pay a civil penalty to the Commission for the violations described above in the amount of \$2,300 pursuant to 2 U.S.C. § 437g(a)(5)(A) and shall cease and desist from violating 2 U.S.C. § 441a(f) and 11 C.F.R. § 110.9(a) in the future.

VI. The Committee shall issue refunds to the following contributors in the following amounts: Nicholas Ponzio (\$1,000) and Ely Reiss (\$200.00).

VII. The Commission, upon request by anyone filing a complaint under 2 U.S.C. § 437g(a)(1) concerning the matters at issue herein or on its own motion, may review compliance with this agreement. If the Commission believes that this agreement or any requirement thereof has been or is being violated, it may institute a civil action for relief in the United States District Court for the District of Columbia.

VIII. This agreement shall become effective as of the date that all parties hereto have executed it and the Commission has approved it.

IX. Respondents shall have no more than thirty (30) days from the date that this agreement becomes effective to comply with and implement the requirements contained herein and to so notify the Commission.

X. This Conciliation Agreement constitutes the entire agreement among the parties on the matters raised herein, and no other statement, promise or agreement, either written or oral, made by any party to this agreement or by agents of any party to this agreement, that is not contained in this written agreement shall be enforceable.

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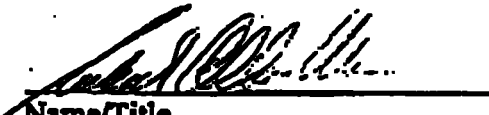
FOR THE COMMISSION:

Lawrence H. Norton
General Counsel

BY: 
Gregory R. Baker
Acting Associate General Counsel

6/11/03
Date

FOR THE RESPONDENTS:

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6/3/03
Date

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